

COUNTY OF YORK

MEMORANDUM

DATE: January 4, 2006 (BOS Mtg. 1/17/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator



SUBJECT: Recordation of declaration of restrictions regarding the use of a portion of property within Charles Brown Park

The Board will recall that as a result of the construction of the Tabb Library, which caused the destruction of a small area of wetlands, the County was required by the U. S. Army Corps of Engineers either to pay a sum of money to the Corps as wetlands mitigation or to create new wetlands elsewhere. The County chose the second approach, and with the approval of the Corps of Engineers has created a new area of wetlands along a stream which meanders through the southern portion of Charles Brown Park. The newly created wetlands not only serves those environmental purposes which all wetlands serve, but, under a plan approved by the Corps, can be utilized as an educational exhibit to demonstrate the ecology and usefulness of wetlands. It is hoped that the new wetlands exhibit will be utilized by the School Division for environmental education, as well as be an attractive and informative exhibit for all visitors to the park.

As a condition of the wetlands mitigation program, the County is required to record restrictive covenants limiting the further use of the property contained within the wetlands to uses which are not inconsistent with the integrity of the wetlands. The restrictions would, among other things, prohibit the destruction or the alteration of any of the newly created wetlands and prohibit the construction of buildings within the wetlands, allowing, on the other hand, structures such as boardwalks, foot trails and observation decks, and allow land disturbing activities only to the extent required to maintain the wetlands; restrict the cutting and removal of trees and plants; and prohibit the dumping of trash or garbage within the wetlands. The area to be covered by the covenants is shown by cross-hatching on the attached plat.

Because the recordation of the restrictive covenants creates, in effect, a conservation easement across the property for the benefit of the U. S. Army Corps of Engineers, a public hearing has been advertised consistent with Code of Virginia § 15.2-1800 as is the case generally with the creation of easements on public property. The approval of the attached resolution will authorize the County Administrator to execute and record the necessary declaration of restrictions. I recommend its adoption.

Barnett/3440:swb

Attachments

- Plat showing proposed Conservation Easement
- Proposed Resolution R06-9